

REMARKS

This responds to the Office Action mailed on September 14, 2005.

Claim 1 is amended and claims 2, 5-9, 13-14 and 17-20 are canceled; as a result, claims 1, 3-4, 10-12 and 15-16 are now pending in this application.

Priority Claim

The Office Action objected to Applicants' priority claim as listed on the Declaration that was filed together with the application. Applicant has amended the specification herein to include the claim of priority to U.S. Serial No. 10/645,873. Applicants' priority claim was recognized by the Office as shown by its inclusion on the first filing receipt, and as such Applicants believe that the amendment to the specification is sufficient, and that no further action is required.

Declaration and Power of Attorney

A new oath or declaration was required in compliance with 37 C.F.R. 1.67(a). A newly executed Declaration (and Power of Attorney) identifying this application by application number and filing date was filed December 9, 2005, a copy of which accompanies this response.

Objection to the Drawings

The drawings were objected to as having incomplete reference numbers in Figure 15. The reference numerals have been corrected on the Replacement drawing sheets submitted herewith.

Objections to the Specification

The specification was objected to due to typographical and grammatical errors. The specification is amended herein as requested by the Examiner.

Objection to the Claims

Claim 5 was objected to for lack of antecedent basis. Applicant has cancelled claim 5.

Claim 11 was objected to due to a typographical error. Applicant has not found this typographical error in claim 11, but assumes that the Examiner's objection should apply instead to claim 13. Claim 13 has been cancelled.

Citation of References on PTO 892 Form

Applicant notes that the Examiner has relied upon US Patent 5,533,289 for the rejections in this Office Action. However, the patent to Hoffman was not listed on the Examiner's 892 Form. Applicant respectfully requests that the Hoffman reference be listed on an 892 Form with the next Office Action, so that the reference is officially made of record.

§112 Rejection of the Claims

Claims 8, 14, and 19 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. These claims have been cancelled.

§102 Rejection of the Claims

Claims 1-4, 9-13, and 15-16 were rejected under 35 U.S.C. § 102(b) for anticipation by Hoffman (U.S. 5,533,289). These rejections are no longer applicable due to the amendment of claim 1 and the cancellation of other claims.

§103 Rejection of the Claims

Claims 5-8, 14, and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman. Claim 1 has been amended to now recite:

1. (Currently Amended) An EL sign for use on a vehicle comprising an EL illuminated color and a non-illuminated color, and further including an EL lighting element that is white in a non-illuminated condition and blue-green in an illuminated condition, and a yellow layer that imparts a yellow tint to the sign in daylight when the EL lighting element is non-illuminated and a light green appearance at night when the EL lighting element is illuminated.

The office action admits that imparting a yellow tint to the sign in daylight when the EL is non-illuminated and a light green appearance at night when the EL is illuminated. The office action goes on to say that it would be a matter of design choice to provide this color functionality by using a yellow layer in combination with the EL lighting element. Claim 1 as now amended further includes the limitation that there is an EL lighting element that is white in a non-illuminated condition and blue-green in an illuminated condition. This combination is nowhere taught in Hoffman and further it is the Applicants' position that it is not an obvious design choice. Prior to the Applicants' disclosure, there was no teaching as to actual sign color combinations as claimed that would be effective for application to vehicles. Hoffman itself makes no mention of using a yellow layer, or providing a green color for night time viewing. Further, it does not discuss how to obtain a yellow color in the day with a white EL color in non-illuminated condition with a yellow layer, and to obtain a green illuminated color at night by using a white EL color that illuminates as a blue-green color to provide the green color at night. This is a novel and inventive manner to provide a highly useful EL sign for a vehicle, and Hoffman provides no teaching for the same. Accordingly, the Applicant respectfully requests that claim 1 and its dependent claims that add additional patentable limitations, all be allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

AARON GOLLE ET AL.

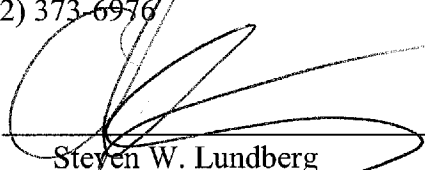
By their Representatives,

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Date

3/20/2006

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20 day of March, 2006.

Name

John D. Gustaf-Watthall

Signature

